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Letter dated 9 December 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 9 December 2002, addressed to you by His Excellency Sheikh Sabah Al-Ahmad Al-Jaber, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, concerning the position of the State of Kuwait with regard to the letter addressed to the people of Kuwait by Iraq on Saturday, 7 December 2002, which expressed hostile intentions and contained dangerous ideas affecting the security and independence of Kuwait. I trust that you and the Security Council will study this letter from Iraq with all the attention it deserves, in accordance with the responsibilities entrusted to you pursuant to the Charter of the United Nations.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammad A. **Abulhasan**
Permanent Representative

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Annex to the letter dated 9 December 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

[Original: English]

9 December 2002

I trust that you have reviewed the message addressed by the Iraqi president on Saturday, 7 December 2002, as reflected in his broadcast speech. One can instantly and unmistakably recognize the bad intentions of that message. Even its heading, "To the People in Kuwait", betrays its implications. The message is replete with terms and phrases disgracing the officials of the State of Kuwait. It also contains serious incitements and accusations which, in our view, must be dealt with by Your Excellency and by States Members of the United Nations with all due seriousness and resolve in view of its dark intentions and far-reaching implications that affect the security and independence of the State of Kuwait.

We in Kuwait do not really see this message emanating from the highest official in the Iraqi leadership as a mere negative step and a back-track on the position of the Government of Iraq towards its international and regional obligations regarding Kuwait, which Iraq claims it has either carried out and/or is currently cooperating to implement them. Rather, this message is tantamount, in our view, to a declaration of an explicit disavowal by the Iraqi leadership and government of relevant Security Council resolutions and the decisions adopted by the Arab Summit held in Beirut in March 2002. In fact, we see it as a clear breach of both sets of resolutions, especially those relating to the peaceful intentions of the Iraqi government towards Kuwait and the depth of its credibility in relation to its respect for the security and sovereignty of the State of Kuwait as well as its internationally recognized borders and political independence. It also represents a break of Iraqi's commitment not to interfere in the domestic affairs of Kuwait and its solemn pledge not to repeat the invasion that took place in 1990.

The message of the Iraqi president carried the very same allegations repeatedly made by the Iraqi leadership over the last days preceding the 1990 invasion and during the post-invasion period. Those allegations were advanced on the basis of falsehoods, distortions and mischaracterizations in an attempt to justify the Iraqi leadership's conduct, which explicitly violated the norms of international law and the Charter of the United Nations. All contents of the Iraqi message demonstrate in no uncertain terms that the Iraqi government at the highest levels of its leadership is still determined to breach Security Council resolutions and its obligations under those resolutions, especially in regard to the following matters:

1. This message brought out the non-peaceful intentions still harboured by the Iraqi leadership regarding the security, sovereignty and political independence of the State of Kuwait. All these principles are legally binding obligations set forth in explicit and forthright terms in relevant Security Council resolutions. The same principles have been emphasized time and again by the Arab League, which requested Iraq to match its words by deeds. The most illustrative evidence of the bad faith on the part of the government of Iraq towards Kuwait is its repetition of previous serious claims that cast doubt on the sovereignty, security and independence of the State of Kuwait. The essence of those doubts is captured in the fact that the message heading is addressed "To the People in Kuwait".

The choice of such a heading plainly means that the Iraqi leadership still considers that Kuwait is a part of Iraq and that the citizens of the State of Kuwait are an extension of the rest of the Iraqi population in the rest of the Iraqi cities and governorates. Obviously, this is a clear violation of Security Council resolutions that required Iraq to comply with respecting Kuwait's sovereignty, independence and internationally recognized borders. It is also considered as an Iraqi disavowal of the obligations they accepted in this regard. It further confirms what we have all along been demanding, that the public Iraqi statements and pledges in themselves were inadequate until they are substantiated by concrete actions on the ground.

2. Among the serious matters contained in the message is the repetition by the Iraqi leadership of all the allegations and falsehoods it echoed in the summer of 1990 and which were used as a basis for justification of its aggression and invasion of Kuwait then. This proves to Your Excellency and to all members of the United Nations that the government of Iraq, represented by its highest official, continues its attempts to justify the crime of occupation committed by Iraq on 2 August 1990. This in itself is yet another clear breach of all relevant Security Council resolutions which condemned that brutal Iraqi occupation of my country and demanded the Iraqi government not to repeat it. Nonetheless, the Iraqi leadership still insists, as evidence in this message, on challenging the international community by repeating its aggression against the State of Kuwait without drawing useful lessons from past experience. The message proves that the Iraqi leadership still functions on the basis of false allegations and accusations which the United Nations itself found untrue, as demonstrated by the conduct and practices of the Iraqi leadership over the past few years. The most graphic examples in the Iraqi message relate to the following:

(a) Failure to correctly acknowledge Iraq's aggression against Kuwait as an aggression and a state occupation in accordance with the established definitions and treaty laws. Rather, it was described as "Iraq's army entry into Kuwait";

(b) The message treated Iraq's invasion of Kuwait as an act of self-defence. The principle of self-defence obviously gives neither the right nor legitimacy to invasion or occupation;

(c) Insistence by the government of Iraq on sticking to its baseless accusations of Kuwait regarding involvement in an economic conspiracy and oil plundering.

3. The message of the Iraqi president constitutes open and flagrant interference in the domestic affairs of the State of Kuwait in addition to its stark incitement to the Kuwaiti people against its leadership and national institutions with a view to creating an atmosphere of uncertainty and sedition. Clearly, the government of Iraq is deliberately oblivious to the experience of the immediate past and expeditiously chose to ignore the fact that the people of Kuwait cannot be deceived by these sinister schemes and pernicious allegations repeated now by them. Let me quote here a salient example of these incitements:

> "We wish you just what we wish and work for your brothers in Iraq: to live free, without letting the foreigners control your destiny, will, decision, resources, nor your present or future."

That language flouts the established facts of Kuwait's political history, i.e. that the people of Kuwait willingly accepted and embraced its leadership and government. Ironically, the trauma of the treacherous Iraqi invasion proved beyond any doubt,

among other things, that the people of Kuwait rallied behind its leadership in total loyalty.

4. The Iraqi leader's message contained a tirade against the Kuwaiti leadership. It used hostile and offensive language. This reinforces our concern and anxiety, which we have articulated in the past, over the lack of change in the political and mass communication discourse of the government of Iraq towards Kuwait. It is to be recalled that the Beirut Arab Summit decisions called for ending the negative media campaigns and official statements as a step towards creating a favourable atmosphere that helps in promoting a framework of confidence and compliance with the good-neighbourliness principle. Instead of that, here we are again seeing a recurrence of a political assault against Kuwait and its leaders. The language qualifiers used against Kuwaiti officials strips away any credibility in the claims of the Iraqi government that it seeks to resolve the outstanding matters, as was alleged by the Iraqi leader. A graphic example can be seen from the following quotation from his message:

> "— transferring your officials into local managers of an American oil production company and deciding the quantities, prices and to whom oil may be sold by the company's original manager in Washington or New York."

The quotation in itself is a sufficient reason for the indictment of Iraq for it proves that it really shows no respect for Kuwait as a sovereign State. It further proves that the Iraqi leadership persists in its interference in the domestic affairs of Kuwait.

5. A close and scrupulous reading of the message would show unmistakably that it contains no apology by the Iraqi leadership to the people of Kuwait. The term "apology" is cast as follows in that message:

> "We apologize to Allah for any action that may anger the Almighty, if such an action took place in the past unknowingly by us and was considered to be our responsibility, and to you we apologize on this basis as well."

This language is not a true apology. It is a crude and thinly veiled method which the Iraqi leadership has been well known in the past to use in order to circumvent its responsibilities. This last quotation is not an apology by the Iraqi leadership for the crimes of invasion and occupation as well as for all other atrocities perpetrated within the framework of those crimes, which the Iraqi government claims to be unaware of!

6. This message supports directly those acts of terrorism committed within the State of Kuwait which jeopardize its security and stability and bears yet further proof that Iraq has retreated from its commitments in relevant Security Council resolutions, especially resolution 1373 (2001) and the relevant Pan-Arab official resolutions on renunciation of terrorism and the obligation of the Iraqi government neither to support terrorism nor to incite it.

The following quotation is quite telling in this context:

> "We, along with the people of Iraq, greet those faithful young people who are carrying weapons against the foreign forces of occupation and those who see their occupation as an ignominy of which the land and the people must be purified by fire and other means."

7. The Iraqi leadership has now demonstrated that it does not have any political will that reflects any good faith to resolve the question of returning all Kuwaiti and third-country nationals or their remains. This is clearly the case, since the Iraqi message totally lacks any reference to Iraq's solemn commitment to return all Kuwaiti and other prisoners to Kuwait. Here we would like to recall the reports of the Secretary-General of the United Nations submitted under paragraph 14 of resolution 1284 (1999), which stress that Iraq has shown no cooperation in resolving this humanitarian issue. In the same vein, I wish to set on record that the claim by the government of Iraq that it returned documents of the Kuwait State national archives is a sham, for those documents were mere papers that do not in fact constitute the true body of the Kuwait State archives in question.

8. Perhaps the most serious aspect of the speech of the Iraqi president is his hostile intention, cast in forthright and explicit language, to launch a new aggression against my country and to frame justifications for that aggression. With that in mind, he describes Kuwait as a country currently under foreign military occupation and states that it is Iraq's responsibility to liberate it from that occupation:

> "Greetings to those noble and courageous people, alive be they or martyrs. They have brandished the banner of right against wrong and disgrace. They have saved you from being accused of infamy had you subscribed to the foreign occupation that your rulers wanted. In fact they have lightened some of our, and other fervent Arabs, responsibility regarding the foreign occupation of Kuwait, which is part of the great Arab homeland."

Undoubtedly, this message, in terms of its substance and timing, aims at provoking further tension and instability in our region as a result of the policies of the Iraqi government. We therefore think that the international community, represented by the United Nations and its organs responsible for the maintenance of international peace and security, especially the Security Council, should have a firm position in the face of these stark Iraqi allegations and threats. In fact, this Iraqi stance should be viewed in the background context of the Iraqi government's announcements and intentions in the summer of 1990 which culminated in the invasion and occupation of Kuwait. What is before us now is a replication of the same intentions and scenario. They are too stark, too strong, to disregard. They confirm the violation by the government of Iraq of relevant Security Council resolutions, especially 687 (1991), 833 (1993), 949 (1994), 1284 (1999) and 1441 (2002), all of which were adopted under Chapter VII of the Charter of the United Nations.

Kuwait calls upon the Security Council, by virtue of its international mandate under the Charter and in pursuance of its relevant resolutions, to ensure that Iraq will not repeat its aggression against the State of Kuwait and that all peoples of the region will be spared the horrors and ramifications of the 1990 events. Also, we invite Your Excellency to voice a clear condemnation of the thrust and implications of the Iraqi message. For this message is a perpetuation of the aggressive and hostile policy of the government of Iraq towards Kuwait and the entire region. May we also suggest that Your Excellency intervene with the Iraqi government in order to demand them to strictly comply with all relevant Security Council resolutions.

(*Signed*) Sabah Al-Ahmad **Al-Jaber**
First Deputy Prime Minister
Minister of Foreign Affairs